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***EMPLOYEE
ASSISTANCE
GUIDE***



**PERSONNEL DIVISION
DEPARTMENT OF ADMINISTRATION**

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EMPLOYEE ASSISTANCE GUIDE

Issued April 16, 1984

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THIS IMPLEMENTATION GUIDE IS DESIGNED TO PROVIDE ASSISTANCE TO STATE SUPERVISORS AND PERSONNEL OFFICERS WHEN DEALING WITH EMPLOYEES WHO HAVE PERSONAL PROBLEMS WHICH ARE AFFECTING JOB PERFORMANCE. THIS GUIDE IS NOT STATE POLICY OR ADMINISTRATIVE RULE. IT IS NOT BINDING ON ANY AGENCY AND IT IN NO WAY ESTABLISHES PRACTICE OR SETS PRECEDENT.

AUTHORITY IMPLEMENTED

This guide provides assistance when dealing with a "Troubled" Employee. Section 2-18-102, MCA, provides that the Department of Administration encourage and exercise leadership in the development of effective personnel administration.



INTRODUCTION

Supervisors should recognize that personal problems can have an adverse effect on an employee's job performance. Supervisors should also recognize that most personal problems can be dealt with successfully when identified early and referred to appropriate resources. An employee's personal life outside of the work place is not of official concern to a supervisor, except when it adversely affects job performance, interpersonal relations with other employees in the work environment or obstructs agency operations.

When setting performance standards or appraising job performance, supervisors are required to follow the Performance Appraisal Policy, 3-0115, Montana Operations Manual (MOM), Volume III; also found at 2.21.6402 et. seq., Administrative Rules of Montana (ARM), the Performance Appraisal Rules.

When disciplining an employee, supervisors are required to follow the Discipline Handling Policy, 3-0130, Montana Operations Manual (MOM), Volume III; also found at 2.21.6501 et. seq., Administrative Rules of Montana (ARM), the Discipline Handling Rules.

Employee assistance may be suggested by a supervisor before the progressive discipline process starts or at any stage of the progressive discipline process for a personal problem which adversely affects the employee's job performance and/or conduct.

Employee assistance means counseling services or treatment programs received by an employee to address personal problems and return that employee's job performance and/or conduct to an acceptable level. It is the employee's responsibility to pay the costs for any counseling services or treatment programs received.

While a trained employee is an asset to be protected if possible, supervisors and employees should clearly understand that involvement in employee assistance is not an alternative which allows continued sub-standard job performance. Offering the option of employee assistance is not mandatory, however, it may be useful to consider.

THE "TROUBLED" EMPLOYEE

A troubled employee is an individual who has personal, behavioral, or health problems that interfere with his or her work and, as a result, his or her job performance drops below an adequate level. These problems are usually personal or health related and a supervisor's efforts to help should be limited to emphasis on the need for professional assistance.

Identifying Potential Personal Problems

Supervisors generally have no trouble spotting erratic work patterns.

Performance from a troubled employee may at certain times be much better than normal. In fact, a work pattern that indicates deep valleys and fantastic peaks may be the very indicator a supervisor should be looking for.

Be alert to changes in work performance and unusual behavior of all personnel under your supervision. Symptoms affecting job performance that may indicate a personal problem include the following:

1. Assignment failures or spasmodic work rates
2. Excessive absenteeism (especially on Mondays, Fridays, after paydays or any other pattern)
3. Unexcused absences and tardiness
4. Deteriorating personal appearance
5. Arguing and fighting with fellow employees
6. Extended lunch hours
7. Frequent unauthorized disappearances from work
8. Poor judgment or increase in accidents
9. Moodiness, depression or personality changes
10. Marked change in behavioral activity levels
11. Elaborate excuses and contrived alibis
12. Decrease in work quality

These behavioral patterns indicate a change in an employee's life style. Studies show that an employee establishes a work pattern within the first two years of his employment, and then tends to maintain that pattern until a crisis disrupts his life. The behavioral effects on the job may be minor; for example, a formerly outgoing worker may suddenly become a loner. The change is a clue that something serious is happening. But the cause could be one of many possible things: emotional disturbance, a physical ailment that has not been diagnosed, a morale problem on the job, the birth of a retarded child, a child with a drug problem, a drinking problem, etc.

THE SUPERVISOR'S ROLE

The supervisor is often the first individual to become aware of an employee's declining job performance. The supervisor is in the best position to know the extent of absenteeism, tardiness, personality changes and the decline of work performance that may be associated with personal problems. The supervisor should never attempt to diagnose a personal problem. Rather, the role of the supervisor is to detect and document poor work performance and to confront the employee on that basis.

It is not the supervisor's responsibility to determine whether an employee's deteriorating job performance is caused by any particular personal problem or not. However, if during the course of monitoring an employee's job performance, reference to a personal problem surfaces, then a supervisor may consider offering the option of assistance. The supervisor should try to motivate the employee to seek professional assistance. The supervisor is in an influential position to urge the employee demonstrating personal problems to seek help.

Employees must clearly understand that unless the personal problem is corrected and job performance is brought up to acceptable standards, the employee will be subject to disciplinary action for unsatisfactory job performance up to, and including, discharge. Disciplinary actions must be administered consistent with the provisions of the Discipline Handling Policy. It is important that the troubled employee understand that seeking help for personal problems does not provide a sanctuary from the progressive disciplinary process.

CONFIDENTIALITY

It is extremely important that a supervisor's knowledge of an employee's personal problems be strictly confidential. Nothing about the personal problem should be shared with other state employees or management unless:

1. The employee authorizes it in writing,
2. The person receiving the information has a need to know, or
3. The employee is a threat to his own well being or that of others.

An example of some people who may need to know information relating to an employee's personal problem might be certain managers or other agency staff, such as the personnel officer or the staff attorney, who are also involved in approving or monitoring the assistance process.

DOCUMENTATION

Supervisors should maintain records on all specific instances where an employee's work performance or behavior fails to meet expected standards, or where his individual pattern of performance seems to be deteriorating. Job performance should be monitored consistent with the provisions of the Performance Appraisal Policy. Proper and careful documentation of work performance problems is essential for the following reasons:

1. Documented work performance discrepancies tend to show a pattern of performance which will help identify a troubled employee.
2. Documentation will go far toward convincing the employee he should heed the supervisor's advice to seek help to solve the problem.
3. Clear and specific written documentation will help the supervisor determine the best solutions for solving work performance discrepancies. It should also be noted that this will help the employee recognize what is expected of him in the way of performance.
4. Records of documented performance will help protect the supervisor in cases of employee grievance.

Job performance should be thoroughly documented through the use of standard appraisal forms and data commonly maintained by supervisors for evaluating employees. Informal notes kept by a supervisor should be strictly objective and specific about such things as times, dates, places and the nature of various incidents. In no case should a "diagnosis" be put into an employee's personnel file, or any memorandum that might indicate that the employee has any particular personal difficulty. Some examples of documentation relating to an employee's personal problem which would be appropriate to retain are:

1. A copy of a written agreement made between the employee and the supervisor that the employee is involved in treatment. The agreement does not need to mention the type of treatment involved.
2. A written record of specific dates, times, places, and the nature of incidents involving the employee. The written record does not need to indicate the nature of the employee's particular personal problem.

Rigid procedures for dealing with performance problems are extremely helpful to supervisors for several reasons:

1. They make it unnecessary for the supervisor to get personally involved in essentially private matters. Rigid procedures take most of the emotion and embarrassment out of delicate

confrontations.

2. Disciplinary actions are restricted to the legitimate purpose of correcting unsatisfactory job performance, not meddling in private problems.
3. The supervisor is given specific guidelines to enable him to handle the kind of touchy situation that he may have sought to evade in the past.

Documentation of performance is important because it keeps the supervisor in his official role - as an expert on job performance.

THE CONFRONTATION PROCESS

The key in confronting a troubled employee is in maintaining the supervisory role. An effective confrontation means being prepared to meet with the employee face to face to discuss specific information regarding the employee's unacceptable work performance. Confrontations should take place at work on work time.

It is extremely important when confronting the troubled employee that the supervisor not make any attempt to diagnose the cause of the employee's personal problem and that he not attempt to counsel the employee. Prior to the meeting, the supervisor should have consulted with the agency personnel officer to determine what types of assistance, if any, are available through that agency. If the supervisor suspects a personal problem, he should be prepared to suggest an alternative to deal with personal problems should one surface during the meeting. The supervisor must be firm in taking some appropriate action. Job performance should be reviewed objectively without moralizing or allowing the employee to evoke the supervisor's sympathy.

In discussing the correction a supervisor expects and the ways in which the employee is to correct the problem, the supervisor may say to the employee, "If you feel you have a personal problem which is contributing to your problems with the job, there may be the possibility of helping you obtain assistance, in addition to other actions which we will take at work." It is up to the employee to acknowledge that such a problem exists.

It is not the supervisor's role to attempt to diagnose a personal problem. If the supervisor says, "You have a drinking problem and it's interfering with the work," he may be wrong. Even if he's right, the employee's reaction probably will be to become defensive and deny there is a problem.

Finally, the employee must know that his work performance must improve and stay at acceptable levels or further disciplinary action will result.

THE EMPLOYEE ASSISTANCE PROCESS

Employee Acknowledges Personal Problem

If the employee acknowledges that a personal problem exists and would like to seek assistance, the supervisor should be prepared to help. Since there presently is no formal state Employee Assistance Program, supervisors should be aware of private organizations within their locale which can provide professional assistance to an employee with a personal problem. The assistance the supervisor offers may range from providing a list of private organizations that are capable of providing professional assistance to allowing the employee to take approved leave to deal with the problem. Whatever the alternative is, it should be consistent with that agency's policies.

The employee should clearly understand that it is his or her responsibility to pay the costs for any counseling services or treatment programs received. The supervisor can inform the employee that the state's group insurance may cover some of the costs for treatment. However, it is the employee's responsibility to determine what services and treatment programs, if any, are covered by the state's insurance program.

Supervisors also should be familiar with the state and agency policies relating to discipline handling and performance appraisal. Progressive discipline and performance appraisal should continue while an employee is receiving assistance for a personal problem. However, supervisors may consider delaying or mitigating the degree of formal disciplinary action while the employee seeks assistance.

In some cases it may help to get a written agreement from the employee that he is involved in treatment. The supervisor may want to involve an objective third party, such as the personnel officer, who can monitor whether or not the employee is receiving the agreed to treatment or assistance.

The supervisor should continue to monitor job performance and continue to document unacceptable performance. If a poor level of performance continues, further progressive disciplinary actions should be taken, up to and including discharge.

Employee Does Not Acknowledge Personal Problem

If the employee does not acknowledge the personal problem exists or does not want to seek assistance, the supervisor should continue to objectively monitor job performance, document unacceptable job performance and take appropriate progressive disciplinary actions, up to and including discharge as necessary.

EMPLOYEE INITIATES PROCESS

Occasionally, an employee may come to a supervisor to discuss a personal problem which may or may not be affecting the employee's job performance.

The supervisor should try to avoid getting too involved in the details of the employee's personal problem. The supervisor should try to direct the discussion toward specific job-related actions that could be taken to assist the employee.

The supervisor may suggest ways an employee can obtain services outside work to assist with the problem. The supervisor may even provide the employee with a list of private organizations that could counsel, diagnose or treat the employee's personal problem. The supervisor also may be able to rearrange work schedules and provide the employee with appropriate leave to allow the employee to resolve the problem.

The supervisor's efforts should be directed toward work-related activities and motivating the employee to get outside help and should not be directed toward counseling, diagnosing or treating the employee's personal problem.

EAP RESOURCE LISTS

The State Personnel Division has compiled a resource list describing the human service organizations located in the Helena area. A copy of the resource list has been provided to each agency personnel officer.

The list was designed to provide general information for supervisors and employees regarding the human service organizations located in Helena. The list describes the level of assistance provided by each organization for various types of personal problems. The list is not comprehensive and in no way does the State Personnel Division endorse any individual service provider.

The State Personnel Division has also obtained a human services resource list for Billings, Butte, Bozeman and Missoula. A copy of each list is available at the Employee Relations Bureau, State Personnel Division, Mitchell Building, Helena, MT, 444-3871 or by writing the following organizations:

1. Billings Area

"Ask" Directory
District VII,
Human Resources Council
P. O. Box 2016
Billings, MT 59103

Cost per copy: \$2.00
Phone: 248-1477

2. Butte Area

Silver Bow Council of Agencies
District XII,
Human Resources Council
P. O. Box 3486
Butte, MT 59702

Cost per copy: charge to
duplicate
Phone: 782-7200

3. Bozeman Area

Community Service Directory
Community Education
P. O. Box 520
Bozeman, MT 59715

Cost per copy: \$3.50
Phone: 586-8211

4. Missoula Area

Health and Welfare Resource
Guide - 1978
Employee Relations Bureau
State Personnel Division
Mitchell Building
Helena, MT 59620

Cost per copy: none
Phone: 444-3871, Barb Charlton

CLOSING

The supervisor should remember that any deviations from a firm and consistent administration of assistance and appropriate disciplinary actions because of misguided feelings of sympathy or other reasons, will lead to a delay in needed treatment, may be a risk to the employee's health or recovery, and is an unacceptable supervisory practice.

The "troubled employee" will only be thoroughly motivated when he recognizes that the consequences of not accepting treatment will create an alternative more intolerable to him than his fear of treatment or results of exposure.

For further information on dealing with Employee Assistance, contact your agency personnel officer or the Personnel Division, Department of Administration.

SUPERVISOR'S DO'S AND DONT'S

What Should the Supervisor Do?

1. The supervisor should make certain all employees are informed and understand what is expected in terms of work performance and attendance.
2. The supervisor should be alert, through continuing observation, to changes in the work and behavioral patterns of employees under his/her supervision.
3. The supervisor should record all unacceptable behavior, attendance and job performance that fails to meet established standards.
4. The supervisor should consult with the personnel officer early in identifying deteriorating work performance to get assistance in determining a course of action.
5. The supervisor should discuss deteriorating work performance with the employee. The supervisor should emphasize that there is genuine concern, at all levels of supervision, about unacceptable job performance. The employee should understand that unless performance improves, continued employment is jeopardized.
6. The supervisor should continue to monitor an employee's work performance with the employee and intervene if work continues to deteriorate, referring the employee to outside assistance if appropriate. In referring the employee, the supervisor should explain that the troubled employee is responsible for seeking assistance.
7. The supervisor should be aware that employees with alcoholism and emotional problems are usually convinced they don't have a problem - or at least not one they can't handle themselves. This leads to futile, frustrating attempts in the battle to prove they can solve their own problems.
8. The supervisor should continue to monitor performance and behavior. Further deterioration should be dealt with promptly. Diversion to assistance does not mean an employee can continue to perform or behave in an unacceptable manner or commit new or additional offenses that will be overlooked during the time an employee is receiving assistance. Some type of disciplinary action still may be appropriate after an employee's performance or conduct becomes acceptable again.
9. The supervisor should keep knowledge of an employee's personal problem strictly confidential.

What Should the Supervisor Avoid?

1. The supervisor should not play the role of diagnostician. The supervisor must stick to job performance and not moralize.
2. The supervisor should not debate with the employees regarding their personal problems nor should he or she attempt to help solve them.
3. The supervisor should not terminate a previously satisfactory employee without first considering the help available through outside assistance for personal or medical problems.
4. The supervisor should not protect an employee or cover up the problem.
5. The supervisor should not share information regarding an employee's personal problem with other state employees unless the employee authorizes it, the person receiving the information has a need to know, or the employee is a threat to himself or another person.
6. The supervisor should not be misled by sympathy invoking tactics. These tactics are generally attempts by the employee to avoid facing the reality of the problem and the need to take corrective action.

SUGGESTIONS FOR AN EFFECTIVE CONFRONTATION

1. Be consistent. Don't tolerate more from one employee than from another because you feel sorry for the employee, or because you feel uncomfortable about dealing with the particular type of problem. You have a legal responsibility to treat all employees alike.
2. Avoid labeling. Confrontation should be based on job performance - not on alcoholism, drug addiction, schizophrenia, etc.
3. Be firm. You are there to help. If you are honest and don't hedge, the employee is more likely to respect you.
4. Be ready to cope with the employee's resistance, defensiveness and even hostility. An effective method of overcoming defensiveness might be to talk about how this situation makes you feel. Once you've done this, talking about the specific impaired job performance may be easier.
5. Accept no excuses for failure. Relate to the specific job criteria you expect the employee to meet.
6. Never ask why the employee does this or that, or why, for example, he or she drinks so much. "Why" serves as an excuse. Remember, employees are at all times responsible for their own behavior.
7. Don't moralize. Saying what "should" or "should not" be done creates hostility. It is more constructive to emphasize what you expect.
8. Don't be "cornered." Hold fast to your contention that the employee is responsible to improve job performance by seeking help.
9. Don't let the employee play you against higher management or the union. Neither management nor union approve of deteriorating job performance.
10. Get a commitment and monitor it. Set down specific work criteria which the employee agrees to work toward during a certain time period. Record all transactions and resulting performance levels.
11. Don't make idle disciplinary threats. Follow through with your warnings. If the employee doesn't believe you, he or she won't change.
12. When confronting a troubled employee, be specific about the unacceptable behavior. A legitimate and effective approach would be the following:

"Is it possible that personal problems may be contributing to your declining job performance? If so, I strongly urge you to contact someone who can offer

you professional assistance. The personnel office has a list of human services organizations that may be able to help you. We will meet again (specify day and time) to discuss your progress.

13. Don't be afraid to intervene or get involved. It is your supervisory responsibility to intervene when employee behavior is interfering with job performance. Remember, it is highly probable that a troubled employee's performance (both on and off the job) will improve if confronted constructively and consistently.



